

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael Tyrone Perry,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 4:09-551-TLW-TER
)	
Bruce Obverman;)	
Capt. Cribb;)	
State of South Carolina Attorney General,)	
Henery McMasters ¹ ;)	
Warden A.J. Padula,)	
)	
Defendants.)	
)	

ORDER

The plaintiff, Michael Tyrone Perry (“plaintiff”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. (Doc. #1). The case was referred to Magistrate Judge Thomas E. Rogers, III., pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #44). In the Report, the Magistrate Judge recommends that the complaint in this action be dismissed without prejudice as to Defendant State of South Carolina Attorney General Henry McMaster. (Doc. #44). The plaintiff filed no objections to the report. Objections were due on October 5, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

¹The Court notes that the South Carolina Attorney General’s name is correctly spelled Henry McMaster. The correct spelling of Defendant McMaster’s name will be used in this Order.

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #44). For the reasons articulated by the Magistrate Judge, defendant State of South Carolina Attorney General Henry McMaster is dismissed from this action without prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

October 19, 2009
Florence, South Carolina